

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.
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DAVID FOUCAULT, et al.,

Plaintiffs,

vs.

THE LASIK VISION INSTITUTE,
et al.,

Defendants.

Civ. No. 04-2988-D/P

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENN. MEMPHIS

ORDER DENYING WITHOUT PREJUDICE PLAINTIFFS' RULE 15 MOTION FOR
LEAVE OF COURT TO AMEND PLEADINGS

Before the court is Plaintiffs' Rule 15 Motion for Leave of Court to Amend Pleadings, filed August 1, 2005 (dkt #25). A review of the record reveals that the plaintiffs did not file a certificate of consultation with their motion. Local Rule 7.2 requires that

"[a]ll motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." Local Rule 7.2(a)(1)(B). Failure to file a Rule 7.2 certificate "may be deemed good grounds for denying the motion." *Id.*

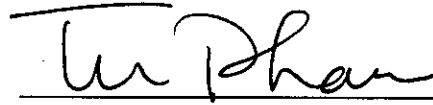
Therefore, plaintiffs' motion is DENIED, without prejudice.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on *8/4/05*

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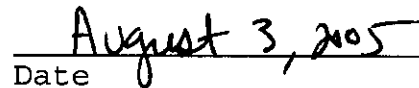
The plaintiffs may renew their motion by refiling it with a certificate of consultation in compliance with Local Rule 7.2.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Tu Pham", written over a horizontal line.

TU M. PHAM

United States Magistrate Judge

A handwritten date "August 3, 2005" in black ink, written over a horizontal line.

Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:04-CV-02988 was distributed by fax, mail, or direct printing on August 4, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT